

REMARKS

Claims 1-17, 19-21, 23, 24, 41, 43 and 45-46 remain in the application. Claims 1, 19-21, 23, 24, 41 and 43 have been amended. Claims 18, 22, 25-40 and 44 have been cancelled and claims 45 and 46 have been added.

The Amendments

Independent claims 1 and 21 have been amended to incorporate the subject matter of claims 18 and 22, respectively. Accordingly, claims 18 and 22 have been canceled, claims 19 and 20 have been made dependent upon amended claim 1 and claims 23 and 24 have been made dependent on amended claim 21.

Similarly, claims 41 and 43 have been amended to include the subject matter of claims 42 and 44, respectively, and claims 42 and 44 have been canceled.

Claims 1, 18, 41 and 43 also have been amended to specify that the removable and resealable adhesive (b) is removable and resealable at temperatures of freezer and refrigerator interiors. Support is found on page 10, lines 10-12. New claims 45 and 46 are dependent from claims 1 and 21, respectively, and specify that the removable and resealable adhesive (b) is removable and resealable at temperatures within the range of about 10°C to about -30°C. Support for these amendments is found on page 10, lines 10-12.

Claims 25-40 directed to a non-elected invention have been cancelled.

Entry of all of the above amendments is requested.

The Rejection

I. Claims 1-11, 21, 23, 41 and 43 have been rejected under 35 U.S.C. §102(b) as being anticipated by MacGregor et al. (US 4,846,504).

Independent claims 1, 21, 41 and 43 have been amended to include the subject matter of dependent claims 18, 22, 42 and 44, respectively. Since claims 18, 22, 42 and 44 were not rejected as anticipated by MacGregor et al., Applicants submit that the rejection is not applicable to amended claims 1, 21, 41 and 43, and the claims dependent therefrom. The rejection of the claims as anticipated by MacGregor should be withdrawn.

II. Claims 1-3, 8-11, 18-24, 41-44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sorensen et al. (US 4,771,891).

The Examiner contends that Sorensen teaches a roll of backing strip with a release layer, and labels (substrates) adhering to the release layer (column 2, lines 36-40; column 5, lines 17-25). The adhesive is applied on selected areas of the label including a full coverage area 18 where permanent adhesion is desired, and a relatively lighter pattern coverage in the area 22 where the label is releasable or removable. The Examiner also notes that Sorensen teaches that the adhesive may be an acrylic-based, rubber-based or hot melt pressure sensitive adhesive, and the adhesive has a peeling force of approximately 0.7 bs/in and 0.9 lbs/in which, according to the Examiner, appears to read on the instantly claimed range. The Examiner also contends that since Sorensen teaches a removable and resealable adhesive which include the same chemical components as disclosed in the instant specification, Sorensen's adhesive would inherently have the same properties, such as the peeling force and cohesive strength.

Reconsideration and withdrawal of this rejection is respectfully requested in view of the above amendments to the claims. All of the claims now specify that the adhesive article of the invention comprises (a) a moisture resistant substrate having a first and second surface, (b) a removable and resealable adhesive covering at least a portion of the first surface of the substrate, wherein the removal of the resealable adhesive is removable and resealable at temperatures in the range from about 10°C to about -30°C and the adhesive has a Moist Loop Test result of at least about 0.25N/25 mm at a test plate temperature of 5°C, and (c) at least one permanent adhesive covering a second portion of the first surface of the substrate. Rejection of these claims should be withdrawn because Sorensen neither teaches nor suggests an article containing both a removable adhesive and a permanent adhesive on different portions of the same surface of a substrate. Sorensen teaches the use of an adhesive, which is either a permanent adhesive (column 4, lines 38-39) or a removable or resealable adhesive (column 4, line 51). The adhesive is applied in variable

patterns on different areas of the labels to provide different adhesive strengths. Since there is no teaching or suggestion of utilizing the combination of a permanent adhesive and a removable adhesive, the rejection of the claims as anticipated by Sorensen should be withdrawn. The claims are not anticipated.

III. Claims 1-5, 9-10, 12-18 and 21-22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Cameron et al. (US 6,025,071).

Cameron describes a removable grade hot melt pressure sensitive adhesive and an adhesive article comprising a substrate and a removable and resealable adhesive (hot melt pressure sensitive adhesive) coated on the surface of the substrate (column 3, lines 29-32; column 7, lines 10-12). The adhesive comprises about 10-50% by weight of at least one styrene-isoprene-styrene block copolymer; about 10-40% by weight of at least one tackifying resin; and about 10-50% by weight of plasticizers (abstract). The copolymer component further may include about 0-30% by weight of the adhesive of a styrene-butadiene-styrene block copolymer (column 4, lines 28-45). The styrene-isoprene-styrene block copolymer comprises a mixture of triblock and diblock copolymers (column 3, lines 64-65), and the tackifying component includes a synthetic petroleum hydrocarbon resin having a softening point of 95°C (Wingtack 95) and tacifiers such as rosins, rosin esters and polyterpenes (column 5, lines 11-15, 37; column 6, lines 1-6). The Examiner also contends that since Cameron teaches the removal and resealable adhesive comprising the same chemical component as disclosed in the instant specification, Cameron's adhesives would inherently have the same properties such as the peeling force and cohesive strength. Cameron further teaches the substrate to be paper or polyester film, and the substrate can be one layer or multilayer (column 7, lines 21-51; column 8, lines 20-22, 42).

Reconsideration and withdrawal of this rejection also is requested via the above amendments to the claims. The Applicants find no teaching or suggestion of an adhesive article which comprises a substrate having a removable adhesive covering a first portion of one side of the substrate and a

permanent adhesive covering a second portion of the same surface of the substrate.

IV. Claims 12-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sorensen as applied to Claim 1 above, and further in view of Cameron et al. (US 6,025,071).

The Examiner acknowledges that Sorensen does not teach the adhesive comprising a styrene isoprene or styrene butadiene copolymer or the tackifiers as recited in the instant claims. Cameron is relied upon for teaching an article having a removable hot melt pressure sensitive adhesive, the adhesive comprising a mixture of styrene-isoprene-styrene triblock and diblock copolymers and at least one tackifying resin such as terpene or rosin (abstract and column 5, lines 11-15). Thus, the Examiner concludes that it would have been obvious to one of ordinary skill that at the time the invention was made to have employed the adhesive as taught by Cameron in the adhesive composition of Sorensen.

Reconsideration and withdrawal of this rejection are requested in view of the above amendments and the prior comments with regard to Sorensen and Cameron. As is noted previously, Sorensen does not describe or suggest an adhesive article having at least one portion of a permanent adhesive from one surface of a substrate, and portions of a removable adhesive on the same surface of the substrate. Sorensen teaches an adhesive label having either (but not both) a permanent adhesive or a removable adhesive on one side of a substrate, and the adhesive is applied in varying patterns to provide varying degrees of adhesion. Accordingly, even it would have been obvious, as suggested by the Examiner, to utilize the adhesives taught by Cameron in the adhesives used by Sorensen, the construction which would result from this combination would not be the construction presently claimed.

V. Claims 4-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sorensen as applied to claim 1 above and further in view of MacGregor.

Sorensen has been described above, and the Examiner acknowledges that Sorensen does not teach the substrate comprising a multilayer film, or that the substrate comprises a polymeric film as recited in the instant claims.

The Examiner contends that MacGregor teaches a substrate comprising a multilayer film such a paper coated with varnish or plastic films such as polystyrene, polyethylene or polypropylene (column 4, lines 17-24, 48-67). Therefore, the Examiner concludes it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the substrate as a plastic film as taught by MacGregor, in the adhesive article of Sorensen.

Reconsideration and withdrawal of this rejection are requested since even if it would have been obvious to utilize multilayer films in Sorensen's articles based upon the teachings in MacGregor, the construction which results from this proposed combination is not the construction claimed in the present application. The resulting construction would comprise a multilayer film but contain only a permanent adhesive or a removable adhesive on one side of the multilayer film. There is no teaching or suggestion in MacGregor that would be obvious to one skilled in the art to modify Sorensen's construction to utilize a permanent adhesive and a removable adhesive on the same side of the multilayer film.

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims in the application are in condition for allowance. An early action allowing claims 1-17, 19-21, 23, 24, 41 and 43 is requested.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. AVERP3447USA.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By: Armand P Boisselle
Armand P. Boisselle
Reg. No. 22,381

1621 Euclid Avenue
19th Floor
Cleveland, Ohio 44115-2191
(216) 621-1113